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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,884	12/22/2000	Ryan M. Ismert	08225.0001	5822
22852 7590 04/30/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER GART, MATTHEW S	
			ART UNIT 3625	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/741,884

Applicant(s)

ISMERT ET AL.

Examiner

Matthew S. Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/23/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☒ Claim(s) 66-67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/23/2007 has been entered.

Prosecution History Summary

Claims 1-69 are pending in the instant applications

Claims 1-69 are rejected as set forth below.

Claims 66-67 are objected as set forth below.

Allowable Subject Matter

Claims 66-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-69 are rejected under 35 U.S.C. 112, second paragraph.

Referring to claims 1-69. Claims 1-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble of the independent claims are directed to the management of purchasing data, but the body of the claim is not commensurate with the scope of the preamble, and does not provide the active steps of "managing purchasing data" necessary to achieve the purported utility.

Referring to claims 1-69. Claims 1-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The independent claims recite a processing component (e.g., "...processing the modified purchasing data to reflect all purchase transactions concerning the identified product."). The Examiner is unclear to what constitutes processing. For purpose of examination, any type of processing would anticipate the claimed component.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7, 10-24, 28, 31-36, 38-45, 49, 52-57 and 59-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (U.S. Patent No. 6,196,458).

Referring to claim 1. Walker discloses a computer-implemented method for managing purchasing data, the method comprising:

- Receiving purchasing data from a purchasing entity, wherein the purchasing data relates to accounting data associated with purchase transactions made by the purchasing entity (Walker: column 5, lines 32-34, "For each account holder, the central controller 12 receives and stores billing items generated by transactions on the account holder's account.");
- Creating a data structure to store the received purchasing data (Walker: column 5, lines 41-50, "Transactions on an account holder's account, such as purchases and payments, are recorded, received and stored by the central controller 12 for use in generating a billing statement for the account holder.");
- Using a computer to identify, for each transaction, a product related to the transaction by comparing the received purchasing data with product information

stored in a product index, wherein the product information in the index associates at least a portion of the received purchasing data with a particular product (Walker: column 5, lines 34-36, "...determines if the billing items satisfy any upsell conditions stored in the upsell database **30.**");

- Modifying the received purchasing data in the data structure to include data representing the identified product (Walker: column 7, 45-52 and column 5, lines 36-39, "...if the billing items satisfy an upsell offer condition, determines an upsell corresponding to the upsell offer condition, and prints onto the billing statement indicia that specifies the upsell."); and
- Processing the modified purchasing data to reflect all purchase transactions concerning the identified product (Walker: column 7, line 65 to column 8, line 5).

Referring to claim 2. Walker further discloses a method of claim 1, wherein the receiving step further includes determining whether the received purchasing data complies with predetermined purchasing data criteria defining data expected from the purchasing entity (walker: column 6, lines 54-65).

Referring to claim 3. Walker further discloses a method wherein the receiving step further includes formatting the received purchasing data to comply with predetermined data storage requirements (Walker: column 5, lines 42-56).

Referring to claim 7. Walker further discloses a method wherein the product identifying step further includes comparing the received purchasing data with product information stored in a plurality product indexes, wherein each index associates different portions of the received purchasing data with products; and identifying the product related to the transaction based on the comparisons with the product information in each of the plurality of indexes (Walker: Fig. 3).

Referring to claim 10. Walker further discloses a method comprising:

- Identifying, for each transaction, a supplier associated with the particular transaction (Walker: Fig. 5, "Merchant Identifier");
- Modifying the received purchasing data to include data representing the identified supplier (Walker: column 5, lines 36-39, "...if the billing items satisfy an upsell offer condition, determines an upsell corresponding to the upsell offer condition, and prints onto the billing statement indicia that specifies the upsell."); and
- Processing the modified purchasing data to reflect all purchase transactions concerning the identified supplier (Walker: column 7, line 65 to column 8, line 5).

Referring to claim 11. Walker further discloses a method wherein the step of identifying a supplier includes: identifying, for each transaction, a supplier associated with the transaction by comparing the received purchasing data with supplier identification information stored in a supplier database (Walker: Fig. 3 and Fig. 5).

Referring to claim 12. Walker further discloses a method wherein the method includes: updating the supplier database with new supplier identification information about suppliers contained in the received purchasing data (Walker: column 5, lines 31-50).

Referring to claim 13. Walker further discloses a method wherein the supplier identifying step includes:

- Comparing the received purchasing data with supplier identification information to determine a match based on at least one of the following matching criteria: (1) an exact match between a portion of the received purchasing data with the supplier identification information; or (2) a match of a predetermined portion of the received purchasing data with the supplier identification information (Walker: Fig. 3).

Referring to claim 14. Walker further discloses a method wherein the step of comparing the purchasing data includes determining a match based on at least one of the following supplier matching criteria: (1) a name of a supplier; (2) an acronym formed from a supplier's name; (3) an address or a portion of an address of a supplier; (4) a telephone or facsimile number of a supplier; or (5) an identification number assigned to a supplier (Walker: Fig. 3 and Fig. 5).

Referring to claim 15. Walker further discloses a method wherein a plurality of the supplier matching criteria may be used to determine a match (Walker: Fig. 3 and Fig. 5).

Referring to claim 16. The method of claim 10, wherein the step of identifying a supplier further includes:

- Assigning a supplier identification code corresponding to the identified supplier of each transaction; and
- Wherein the step of processing the modified purchasing data further includes the substep of sorting the transactions according to the assigned supplier identification code.

Referring to claim 17. Walker further discloses a method wherein the step of processing the modified purchasing data further includes the substep of: analyzing the modified purchasing data to summarize purchasing activity of the purchasing entity (Walker: Fig. 3).

Referring to claim 18. Walker further discloses a method wherein the index associates products with information on suppliers included in the received purchasing data (Walker: Fig. 3).

Referring to claim 19. Walker further discloses a method wherein the index associates products with textual information included in the received purchasing data (Walker: Fig. 3).

Referring to claim 20. Walker further discloses a method wherein the index associates products with an identification code included in the received purchasing data (Walker: Fig. 3).

Referring to claim 21. Walker further discloses a method wherein the method includes the step of: negotiating for purchases based on the processed modified purchasing data (Walker: Fig. 3).

Referring to claims 22-24, 28, 31-36, 38-45, 49, 52-57 and 59-63. Claims 22-24, 28, 31-36, 38-45, 49, 52-57 and 59-63 are rejected under the same rationale as set forth above.

Referring to claim 64. Walker further discloses a method wherein the purchasing data contains general ledger account information (Walker: column 1, 47-53, "Billing statements thus serve to notify account holders of transaction history, merchant promotions and rewards earned.").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6, 8-9, 16, 25-27, 29-30, 37, 46-48, 50-51, 58, 65 and 68-69 are rejected 35 U.S.C. 103(a) as being unpatentable over Walker (U.S. Patent No. 6,196,458) in view of Dicker (U.S. Patent Application Publication No. 2003/0105682).

Referring to claim 4. Walker discloses a method according to claim 1 as indicated supra. Walker does not expressly disclose a method wherein the product index includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association, and wherein the product identifying step further includes:

- Determining, from the index, products associated with a portion of the received purchasing data; and
- Identifying the product related to the transaction based on the weight values of the products determined from the index.

Dicker discloses a method wherein the product index includes a weight value for each association of a particular product to a portion of the received purchasing data, wherein each weight value defines a relative accuracy of the corresponding association (Dicker: Fig. 2, "84"), and wherein the product identifying step further includes:

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- Determining, from the index, products associated with a portion of the received purchasing data (Dicker: Fig. 2); and
- Identifying the product related to the transaction based on the weight values of the products determined from the index (Dicker: Fig. 2).

At the time the invention was made it would have been obvious to one skilled in the art to have modified the method of Walker to have included the teachings of Dicker in order to recommend products based on information known about particular users (Dicker: paragraph 0003).

Referring to claim 5. Walker in view of Dicker discloses a method according to claim 4 as indicated supra. Dicker further discloses a method wherein the step of identifying the product based on the weight values includes identifying the product related to the transaction by selecting the product having the highest weight value (Dicker: Fig. 2, "94").

Referring to claim 6. Walker in view of Dicker discloses a method according to claim 4 as indicated supra. Dicker further discloses a method wherein the method includes updating the weight values based on an accuracy determination of the corresponding associations (Dicker: Fig. 3A).

Referring to claim 8. Claim 8 is rejected under the same rationale as set forth above in claim 4.

Referring to claim 9. Walker in view of Dicker discloses a method according to claim 8 as indicated supra. Dicker further discloses a method wherein the step of identifying the product based on the weight values includes:

- Combining the weight values for each determined product from each index (Dicker: paragraph 0174); and
- Identifying the product related to the transaction by selecting the product having the highest combined weight value (Dicker: paragraph 0174).

Referring to claim 16. Walker discloses a method according to claim 10 as indicated supra. Walker does not expressly disclose a method wherein the step of identifying a supplier further includes:

- Assigning a supplier identification code corresponding to the identified supplier of each transaction; and
- Wherein the step of processing the modified purchasing data further includes the substep of sorting the transactions according to the assigned supplier identification code.

Dicker discloses a method wherein the step of identifying a supplier further includes:

- Wherein the step of processing the modified purchasing data further includes the substep of sorting the transactions according to the assigned supplier identification code (Dicker: Fig. 2).

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At the time the invention was made it would have been obvious to one skilled in the art to have modified the method of Walker to have included the teachings of Dicker in order to recommend products based on information known about particular users (Dicker: paragraph 0003).

Referring to claims 25-27, 29-30, 37, 46-48, 50-51 and 58. Claims 25-26, 29-30, 37, 46-48, 50-51 and 58 are rejected under the same rationale as set forth above.

Referring to claims 65 and 68-69. Claims 65 and 68-69 are rejected under the same rationale as set forth above. The Examiner notes, Dicker further discloses a method wherein the purchasing entity is a member of a purchasing group (Dicker: paragraph 0062). At the time the invention was made it would have been obvious to one skilled in the art to have modified the method of Walker to have included the teachings of Dicker in order to recommend products based on information known about particular users (Dicker: paragraph 0003).

Response to Arguments

Applicant's arguments filed 6/21/2006 have been fully considered but they are not persuasive.

The Applicant argues that Walker does not disclose creating a data structure to store the received purchasing data; using a computer to identify, for each transaction, a product related to the transaction by comparing the received purchasing data with product information stored in the product index... and modifying the received purchasing data in the data structure to include data representing the identified product.

The Examiner notes, Walker discloses a method wherein transactions on an account holder's account, such as purchases and payments, are recorded, received and stored by the central controller **12** for use in generating a billing statement for the account holder. As discloses by Walker, when a transaction meets an upsell offer condition, the upsell is offered on the billing statement to the user. Those skilled in the art will understand that matching transactions with upsell offer conditions may be accomplished in many ways. For example, the central controller **12** may, for each entry in the upsell database **30**, search for account holder accounts having transactions in the account holder transaction database **27** that satisfy the corresponding upsell offer condition. Alternatively, the central controller **12** may, for each account holder account in the account holder transaction database **27**, search for upsell offer conditions in the upsell database **30** that are satisfied.

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Most notable, if the central controller **12** determines that an upsell is to be offered to an account holder, then the central controller **12** prints onto a billing statement indicia that specifies the upsell. Typically, the billing statement is a sheet of paper that is printed with a laser printer or similar printing device. The billing statement may also be an electronic bill that is accessed and displayed by a computer, terminal or similar device (Walker: column 7, 45-52). The applicant admitted on page 23 of the response that, "The only modification is on the billing statement of the account holder, where an upsell product is identified." It is clear from Walker that not only the "printed" billing statement is modifiable, but also an electronic billing statement, whereby the electronic billing statement comprises data stored in an electronic data structure.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Primary Examiner
April 18, 2007


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600